IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REGINALD T. GILBERTBEY, Plaintiff, v. UNITED STATES OF AMERICA, et. al. Defendants.	CIVIL ACTION NO. 05-69E Judge Sean J. McLaughlin Magistrate Judge Susan Paradise Baxter

PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO FILE A RESPONSE TO DEFENDATS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR AN EXTENSION OF TIME.

AND NOW, come plaintiff, REGINALD THADDEUS GILBERTBEY, pro se seeking that this honorable court grant him additional Enlargement of time in order to file a response to the above styled and denoted motion of defendants' in accordance to Federal Rules of Civil Procedure **Rule 6(b)**, and/or other applicable rules grant him at least another sixty (60) days from the date of its last order which granted him until September 15, 2006 in order to respond.

This honorable court granted plaintiff time to respond due to the fact that he had not received defendants' Motion To Dismiss, Or In The Alternative, Motion For Summary Judgement, which plaintiff finally received.

Plaintiff is now seeking additional time/extension to respond, until November 15, 2006 due to the following cause and reasons:

1. Plaintiff has been suffering a ruptured left achilles-tendon since March 2006. Bureau Of Prisons (BOP) officials intentionally neglected and remained indifferent by denying plaintiff any treatment for several weeks. Finally, on or about August 16, 2006 a

cast was/has been placed on his entire lower-left leg from his left knee to the beginning of his toes. Which has immobilized him and completely prevented him from access to the prison law library. Plaintiff left leg area which is in a cast until September 27, 2006 approximately (Which is a six week period); this injury repeatedly develops swelling and pain whenever plaintiff is unable to elevate it, and in the law library especially when typing and doing research such pain and swelling occurs.

2. Additionally due to plaintiffs' lack of mobility whenever (on crutches) plaintiff attempts to attend the prison law library research materials, and typewriters are unavailable, due to limited availability of such, and other inmates who are not handicapped beating him to such materials. Please see **exhibit 1** of his medical records.

3. Also, please see **exhibit 2** United States Penitentiary (USP) Allenwood, Warden Jonathan C. Miner, memorandum dated: August 23, 2006 concerning a entire prison "lockdown" for approximately eight days; there have also been others less in duration. And almost daily fog "lockdowns" occur causing the prison law library to be shut down for security reasons.

4. Additionally, plaintiff has been since filling this civil action been denied intentionally, access to Freedom Of Information Act/Privacy Act files and documents in the possession of Regional and local prison officials. As well as incurred delay of such FOIA/PA reouest due to being financially charged, and not having the reouired cost of such as payment for his request.

Lord willing, this honorable court granting the requested time extension in order to amend and file a response to defendants', plaintiff will present evidence of the intentional denial and problems engendered by prison officials in reprisal and retaliation due to the filing of this civil action; and plaintiff's litigatious activities. Such unwarrented malicious obstacles caused by prison officials will continue as long as he remains under such hostile and adverse authority, in effort to intimidate, inhibit, and deny plaintiff access to the courts', and as long as he is a pro se litigant subjected to the overwhelmming disadvantages of being such.

WHEREFORE, plaintiff, pro se, respectfully request that this honorable court grant his motion and issue at least another sixty-day (60) extention of time until approximately November 15, 2006, so that he may attempt to obtain needed documents from prison authorites, and be physically capable of persuing methods in order to perfect a response to defendants'. Additionally, plaintiff humbly reouest that this honorable court issues any other orders which it deems which will aid in faciliting him being able to overcome said denoted caprice and unwarrented obstacles of prison officials.

Dated: September 12, 2006

Respectfully submitted

Reginald T. gilbertBey, pro se
Reg. No. 03854-078
United States Penitentiary Allenwood
P.O. Box 3000
White Deer, Pennsylvania 17887

CERTIFICATE OF SERVICE

I, Reginald Thaddeus gilbertBey do hereby certify under the penalty of perjury 28 USC §1746 that a true and correct copy of the enclosed styled motion, "PLAINTIFFS' MOTION FOR ENLARGEMENT OF TIME TO FILE A RESPONSE TO DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR AN EXTENSION OF TIME.". I have served by forwarding such first class, pre-paid through U.S. postage and the U.S. Postal service by tendering such with federal Bureau Of Prisons officials to post too the following:

CLERK OF THE COURT for
the United States District Court
Western District of Pennsylvania
Attention: Chief U.S. Magistrate Judge,
Hon. Susan Paradise Baxter
17 South Park Row, Room A280
Erie, Pa. 16501

MARY BETH BUCHANAN, US Attorney
Attention: Jessica L. Smolar
Assistant U.S. Attorney
Western District of PA
700 Grant Street, Ste. 4000
Pittsburg, Pa. 15219

Dated: September 12, 2006

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